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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,107	02/05/2004	Chris Rhodes	60130-2016; 02MRA0393	3984

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BIRMINGHAM, MI 48009

EXAMINER

BLANKENSHIP, GREGORY A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,107

Applicant(s)

RHODES ET AL.

Examiner

Greg Blankenship

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertolini et al. (6,029,403).

Bertolini et al. disclose a door module with parallel window regulator rails (18) and a trim panel (19). The window regulator rails (18) can be separably fixed to the trim panel (19), as seen in Figure 7. The window regulator rails (18) are fastened to a part of the door, the trim panel (19). A line projecting from the point where the window regulator rail (18) is attached to the trim panel (19) and perpendicular to the window regulator rail intersects a plane defined by the trim panel at a point outside of the trim panel, as seen in Attachment 1 of the previous office action. In reference to claim 2, the window regulator rails (18) may be attached to the door trim by clips as disclosed on lines 4-6 of column 6. In reference to claim 3, a window regulator (5) is disclosed and the window regulator rails (18) are guide rails. In reference to claims 5 and 6, two parallel regulator rails (18) are disclosed to be attached in an identical fashion resulting in a second regulator rail (18) that has a fastening point from which a line extends that is perpendicular to the second guide rail to intersect the

plane defined by the trim panel (19) at a second point outside of the door trim (19). In reference to claim 7, the rails are attached to the ends of folds (12) of the trim panel (19), as disclosed on lines 38-40 of column 2. One of these folds (12) is located in the upper region of the window regulator rails (18). In reference to claim 8, the other of the folds (12) is located in the lower region of the window regulator rails (18).

3. Claims 1, 3, 4, and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishikawa et al. (6,449,907).

Nishikawa et al. disclose a door module with a window regulator rail (R2) and a trim panel (P). The window regulator rail (R2) can be separably fixed to the trim panel (P). The window regulator rail (R2) is fastened to a part of the door, the trim panel (P). A line projecting from the point where the window regulator rail (R2) is attached to the trim panel (P) and perpendicular to the window regulator rail intersects a plane defined by the trim panel at a point outside of the trim panel, as seen in the Attachment of this office action. In reference to claim 3, a window regulator (R1) is disclosed and the window regulator rail (R2) is a guide rail. In reference to claim 4, an electric window regulator control (40) is attached to the trim panel (P) and has wires that connect it to the window regulator (R1). In reference to claim 7, Figure 4 shows the window regulator rail attached to the trim panel (P) in an upper region of the window regulator rail (R2). In reference to claim 8, a second fastening point is located on the lower region of the window regulator rail (R2) where the rail (R2) is connected to the trim panel (P). In reference to claims 9 and 10, a lock (33) and a door handle (30) are detachably mounted to the trim panel (P). The door handle (30) actuates the lock (33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertolini et al. (6,029,403) in view of Nishikawa et al. (6,449,907).

Bertolini et al. do not disclose an electrical window regulator control mounted on the trim panel.

Nishikawa et al. teaches the mounting of an electrical window regulator control (40) to a trim panel (P) such that it can be connected to the window regulator (R1) by cables.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to mount an electrical window regulator control on the trim panel of Bertolini et al., as taught by Nishikawa et al., and connect it to the window regulator of Bertolini et al. to provide a passenger the ability to control the movement of the window.

Allowable Subject Matter

6. Claims 11-15 are allowed.

Response to Arguments

7. Applicant's arguments filed 6/17/2005 have been fully considered but they are not persuasive. The applicant has argued that the 35 USC 102(b) rejections based on Bertolini et al. do not anticipate the claimed invention because the window regulator rail is connected only to a carrier plate and is not fixed to the door. Due to this connection, Bertolini et al. can not disclose the

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fastening point as claimed. The examiner disagrees that the window regulator rail is not fixed to the door. The carrier plate (19) is a door trim as broadly claimed by the applicant. Furthermore, the carrier plate (19) is part of the door. The fastening point defined by this connection meets the limitation of having a line extending perpendicularly from the rail to intersect the plane defined by the trim outside the door trim.

8. The applicant has argued that the 35 USC 102(e) rejections based on Nishikawa et al. do not anticipate the claimed invention. The examiner has reviewed the rejection and realized that the plane defined in Attachment 2 of the previous office action was incorrect. This rejection has been rewritten and a new illustration has been attached that corrects this error. The window regulator rail (R2) is connected a panel (P) that meets the claimed limitations of the door trim. The panel (P) is part of the door. The fastening point defined by this connection meets the limitation of having a line extending perpendicularly from the rail to intersect the plane defined by the trim outside the door trim.

9. The rejection of claim 6 under 35 USC 103(a) was appropriate; however, the rejection was meant to include claim 4 as well. The limitations of claim 6 are addressed in the 35 USC 102(b) rejection based on Bertolini et al. This error has been corrected in this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Blankenship whose telephone number is 571-272-6656.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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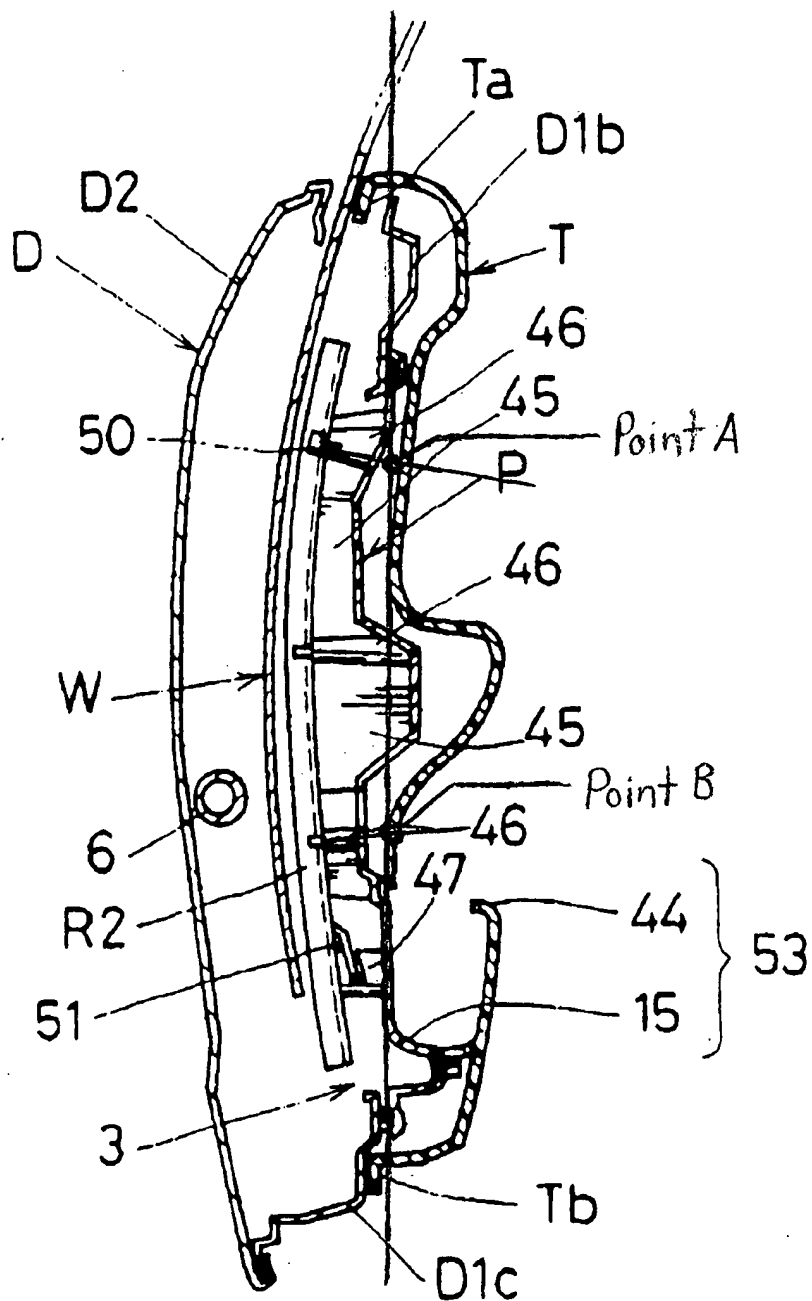
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gab
September 2, 2005

A handwritten signature in black ink, appearing to read 'D. Glenn Dayoan', with a date '9/2/05' written to the right.

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

FIG. 4



Attachment